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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,285	08/01/2001	Richard Cerami	020366-077310US	5324
20350	7590	09/07/2005	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			ISMAIL, SHAWKI SAIF	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/921,285	CERAMI ET AL.
	Examiner Shawki S. Ismail	Art Unit 2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 June 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/13/05
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

RESPONSE TO AMENDMENT

1. This communication is responsive to the amendment received on June 13, 2005. Claims 1, 7, 11, 13, and 14 have been amended, claims 15-17 have been newly added, claims 1-17 are presented for examination.

The New Grounds of Rejection

2. Applicants' amendment and arguments with respect to claims 1-14 and new claims 15-17 filed on June 13, 2005 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.

Claim Rejections - 35 USC §102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by **Phillips et al., (Phillips) U.S Patent No. 6,542,266.**

5. Phillips teaches a system and method for providing broadband data service to a user site utilizing a plurality of well-known virtual paths between the host digital terminal and the network interface.

6. As to claim 1, Phillips teaches a method for activating service in a VDSL based broadband communication network, the network comprising a plurality of loops where each loop includes a source terminus and a destination terminus, wherein each of the source termini are coupled to a computer system, wherein the computer system is coupled to a database having a data structure to store data, the method comprising:

receiving a service request for content from a user (col. 1, lines 53-60);

assigning at least one of the plurality of loops to the user (col. 1, lines 53-60);

storing a service record for content requested by a user in the database, the service record including information for the at least one of the plurality of loops, the information including loop component information specific to the user (col. 2, lines 22-33);

detecting a coupling of a user device to the destination terminus of the at least one loop (col. 2, lines 33-53);

detecting an address associated with the coupled user device (col. 7, line 60 – col. 8, line 6, the HDT is informed of the MAC address of the device);

determining a path associated with the coupled user device, the path including discovered loop component information (see Fig. 1, col. 5, lines 9-23, the use of well-known virtual paths between the HDT and the network interface indicates that a determination has been made as to the path associated with coupled user device);

matching the path discovered loop component information with the loop component information specific to the user that is stored in the service record in the database (col. 2, lines 33-53); and

providing the requested content via the determined path using the address associated with the user device upon matching the discovered loop component information with the loop component information specific to the user (col. 2, lines 3-21 and col. 2, lines 33-45).

7. As to claim 2, Phillips teaches the method of claim 1, further comprising providing subscribed content via the at least one loop to the user device substantially upon matching the path with the subscribed content (col. 2, lines 33-45).

8. As to claim 3, Phillips teaches the method of claim 1, wherein associating the user comprises storing content information in the database, where the content information is data representing a user's subscribed content (col. 2, lines 22-33).

9. As to claim 4, Phillips teaches the method of claim 3 wherein the subscribed content is video (col. 4, lines 26-47).

10. As to claim 5, Phillips teaches the method of claim 1, wherein assigning the at least one loop comprises storing transport information in the database, where the transport information is data representing at least one of the plurality of loops (col. 2, lines 22-33)

11. As to claim 6, Phillips teaches the method of claim 5, wherein the transport is configured to operate in accordance with asynchronous transfer mode (ATM) based protocol (see Fig. 1, col. 4, lines 26-47)
12. As to claim 7, Phillips teaches the method of claim 1, wherein the loop component information specific to the user includes a port identifier associated with a port or a card identifier associated with a card (col. 2, lines 22-33).
13. As to claim 8, Phillips teaches the method of claim 1, wherein coupling a user device further comprises coupling a customer premises equipment to the destination terminus of the at least one loop (see Fig. 1, col. 2, lines 3-21).
14. As to claim 9, Phillips teaches the method of claim 8, wherein the customer premise equipment is a residential gateway (col. 4, lines 26-47).
15. As to claim 10, Phillips teaches the method of claim 1, wherein determining the path includes determining a virtual path connection associated with the user device (see Fig. 1, col. 2, lines 3-21)
16. As to claim 11, Phillips teaches the method of claim 1, wherein determining the path includes determining a Media Access Control Identifier (MAC ID) (col. 7, line 60 – col. 8, line 6).
17. As to claim 12, Phillips teaches the method of claim 1, wherein the address includes further determining a user device type associated with the user device (col. 7, line 60 – col. 8, line 6).
18. As to claim 13, Phillips teaches the method of claim 1, wherein matching the determined loop component information comprises:

associating the determined loop component information with the at least one loop (col. 2, lines 35-45);

identifying the user assigned to the at least one loop (col. 2, lines 22-33); and

retrieving content subscribed by the user from the content database to provide to the user via a VDSL loop (col. 2, lines 3-21).

19. As to claim 14-17, they contains similar limitation as in claim 1-13 above; therefore, they rejected under the same rationale.

Response to Arguments

20. Applicants' amendment and arguments with respect to claims 1-14 and new claims 15-17 filed on June 13, 2005 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.

Contact Information

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2155

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail
Patent Examiner
September 2, 2005

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PRIMARY EXAMINER